

QUESTIONS AND REPONSES

NUMBERS 7-38

7. Reference Page H-50, Section H.34, ***“The Contractor shall provide a Guarantee of performance from its parent company in the form set forth in the Section J Attachment entitled, Performance Guarantee Agreement. If the Contractor is a joint venture, newly-formed Limited Liability Company (LLC), or other similar entity where more than one company is involved in a business relationship created for the purpose of this procurement, the parent companies of all the entities forming the new entity shall each provide Guarantees for joint and severable liability for the performance of the Contractor.”***

Reference Page L-11, Section L.3(5) ***“In addition, if an Offeror believes it is unable to meet the responsibility requirements of FAR Part 9, solely because of its limited liability corporate structure or joint venture, then it should provide a performance guarantee that is fully executed by all partner/parent companies of the LLC, joint venture or teaming arrangement. The provision of a performance guarantee does not in and of itself make the Offeror responsible, rather it will allow the DOE to consider the responsibility of the companies that are signatory to the performance guarantee when making a responsibility determination of the Offeror. A model performance guarantee is provided in Attachment L-10.”***

Question. The first sentence of the cited text states the Guarantee of performance from the parent company shall be in the form set forth in Section J. In Section L Section L.3(5) states in the last sentence of the cited text that the performance guarantee in Attachment L-10 is a “model”. Are we required to execute Attachment L-10 precisely as written or are we allowed to use it as a model to craft the Performance Guarantee?

Answer: Attachment L-10 is a model performance guarantee that does not have to be executed precisely as written. The initial six lines may be modified slightly as necessary to accommodate the Offeror’s proposed organizational structure. The signature page may be modified as well to accommodate the signature(s) of the necessary parties.

Question: We presume that the reference in Section H.34 to the Section J Attachment should be to Attachment L-10. Is this correct?

Answer: No, that is not correct. The H.34 clause references the Section J attachment since the Performance Guarantee that is submitted with the Offeror’s proposal will be inserted into Section J at contract award and will become part of the contract.

Solicitation DE-RP30-09CC40020

Paducah Remediation

8. Reference: Page L-11, Section L.3(a) (5) -2nd ¶ ***“The Offeror shall provide all of the information required to perform a pre-award on-site equal opportunity compliance evaluation in accordance with FAR 52.222-24. This information shall include, but not be limited to, the company name, address, phone number and the point of contact for EEOC. This information shall be provided for the Offeror, as well as, each joint venture member. Additionally, each first tier subcontractor with a subcontract of \$10 million or more is required to provide the information described above.*”**

Question: Is the requested “point of contact for EEOC” internal to the Offeror or the external Offeror’s POC at the EEOC?

Answer: The requested point of contact is internal to the Offeror.

9. Reference: Page L-11, Section L.4(a) Organization and Key Personnel, 1st ¶ ***“The Offeror shall describe its management organization and address the organizational structure proposed (with organization chart detailing functional elements to the first tier supervisors), including major subcontractors, and the rationale for that structure to support the planned approach to execute the work. “*”**

Question: Please clarify if the phrase “first tier supervisors” refers to the lowest level (front line supervisors) or the highest level supervisors within a functional element?

Answer: The organization chart provided should be to the highest level supervisors within a functional element.

10. Reference: Page L-13, Section L.4(b) Technical Approach 3rd ¶, ***“The Offeror shall provide an integrated critical path method schedule through contract completion for the activities defined in the PWS corresponding to the Offeror’s proposed WBS.”*”**

Question: We estimate that this schedule to include the activities in our WBS which must be at least to a level 4 will require at least 30 pages. On previous DOE procurements requiring an integrated critical path method schedule at this level of detail, the schedule was exempt from page count limitations. Please apply the same exemption here or provide a separate page count limitation for this schedule requirement.

Answer: The page limitations for the Technical Approach section will remain as written, however, the RFP will be amended to state that “The Offeror shall provide an integrated critical path method schedule through contract completion for the discriminating activities defined in Section L.5.(f).4.(A).(i) corresponding to the Offeror’s proposed WBS.”

Solicitation DE-RP30-09CC40020
Paducah Remediation

11. **Question:** At what frequency does DOE plan to make Award Fee Determinations and pay them to the Offeror?

Answer: DOE expects to make annual award fee determinations. Requirements for provisional payments of award fee and payment of final fee amounts are included in Section B of the RFP.

12. Reference: Page L-24, Section L.5(g) ***“Indirect Rates. This data shall be provided for each joint venture member, LLC member, other teaming arrangement, and subcontractor (over \$5 million).”***

Question: Is the \$5 million amount over the life of the contract or per year?

Answer: The \$5 million is the total estimated cost over the life of the contract.

13. Reference: Page L-25, Section L.5(j) Contract Transition Cost ***“(1) Transition period is the time between award of the contract and the date the Contractor assumes full responsibility. For proposal preparation purposes, the Offeror shall assume a 90 calendar day transition period.”***

Question: If the Offeror has a plan to accomplish all Contract Transition objectives in less than 90 days, is it acceptable to propose and cost a transition period less than 90 days?

Answer: No, for proposal preparation purposes, the Offeror shall propose and cost the transition assuming a 90 calendar day transition period.

14. Reference: Page L-33, Section L.17 Corporate Governance,

Question: In what Volume and in what location in that Volume, should the information requested by this section be placed? If it is in a page limited section, will there be additional page count added?

Answer: The information regarding corporate governance required by Section L.17 should be provided in Volume I, Offer and Other Documents, which does not have page limitations. It can be provided in the “Additional Information” section of Volume I.

15. Reference: Page H-11 Section H. 6 Key Personnel and Page L-39 Attachment L-2 Letter of Commitment.

Question: Please clarify why is there a difference in the length of duration of the Key Personnel commitment in the Letter of Commitment ***“...the duration of the contract.”*** and the penalty duration for removal of Key Personnel in H.6 of a period of 2 years.

Solicitation DE-RP30-09CC40020
Paducah Remediation

Answer: The Government's intent is to have individuals proposed who are committed to working in their proposed positions for the duration of the contract. However, since many circumstances exist and individuals cannot be forced to remain in a job, there is recognition that key personnel may need to be replaced during the contract performance period. If replacements occur within two years of contract award, then Section H.6 contains the requirements for fee reductions.

16. Reference: Page H-3, Section H.1.2 Baseline Development and Cost Collection, ***“The Contractor shall develop a schedule that includes all its project work scope that integrates with the WBS. Each PBS will have assigned duration that will be based on work scope. Activity logic links shall depict all work scope constraints and decision points and shall be integrated into a total project network schedule. The project schedule shall clearly depict critical path activities and milestones. Activities shall be resource loaded at the lowest practical level of the WBS, but at least two levels below the PBS to develop time-phased budgets that are integrated with the schedule. The Contractor’s schedule shall include all Government-Furnished Services and Items (GFSI) activities.”***

Question: In the 2nd last sentence of paragraph (e), we presume PBS should be PWS. Is this correct?

Answer: No, PBS is the correct acronym in the context of this paragraph. The PBS is the Project Baseline Summary which is a structure used in the DOE Office of Environmental Management for all of its projects to allocate funding.

17. Reference: Page H-13, Section H.12 Allocation of Liability for Fines and Penalties ¶(b),

Question: The last sentence of this paragraph is incomplete. Please provide the missing text to complete this paragraph.

Answer: The last sentence of the paragraph is complete and accurate at the top of page H-14 in the Word file; however the text was missing from the pdf file. The pdf file will be updated to reflect the missing text.

18. Reference: Page H-50, Section H.34 Responsible Corporate Official

Question: In what Volume and in what location in that Volume, should the information requested by this section be placed?

Answer: The fill-in information regarding responsible corporate official required by Section H.34 should be provided in Volume I, Offer and Other Documents. It can be provided in the “Additional Information” section of Volume I.

Solicitation DE-RP30-09CC40020

Paducah Remediation

19. Reference: Page M-2, Section M.1 Evaluation of Proposals ¶(g) ***“For the purpose of evaluating information on an Offeror's experience and past performance, an Offeror shall be defined as those companies that have established business arrangements or relationships for this solicitation, including subcontractors that will perform major or critical aspects of the Performance Work Statement. DOE may contact some or all of the references provided by the Offeror, and may solicit past performance information from other available sources”.***

Page L-11, Section L.3(a) (5) -3rd ¶ ***“If the Offeror is a joint venture, LLC, or other teaming arrangement formed for the purposes of performing this contract, the Offeror must provide a copy or draft of the joint venture, LLC agreement or teaming arrangement.***

Question: The cited paragraph in M.1(g) requires ***“established business arrangements”*** and the cited paragraph in Section L.3(a)(5) requires a copy of the executed or draft LLC Agreement or Teaming Agreement to be submitted. We do not believe draft documents should be acceptable to demonstrate an ***“established business arrangement”***. Please clarify.

Answer: There may be circumstances where an Offeror consists of companies that have established a business relationship for this solicitation that would become fully effective upon contract award, and draft documents may be appropriate in such cases.

20. Would DOE consider excluding the schedule and WBS/PBS Crosswalk and WBS/PBS description from the technical approach page count? Providing detail at the 4th level will use a significant portion of the allocated pages.

Answer: The page limitations for the technical approach section shall remain as written. The WBS, WBS descriptions, and the crosswalk correlating the WBS to the PWS could be presented in a large table on foldout pages. The RFP will be amended to state that “The Offeror shall provide an integrated critical path method schedule through contract completion for the discriminating activities defined in Section L.5.(f).4.(A).(i) corresponding to the Offeror’s proposed WBS.”

21. Would DOE consider adding 4 pages for an executive summary?

Answer: The page limitations provided in the RFP will remain as written.

22. Given the importance of the PM, not only the written experience, but the actual performance of the individual as a project manager, we suggest that performance feedback obtained from the references is added to the evaluation criteria for the PM. References for the PM are requested, but results of these references are not included as evaluation criteria in Section M. More important than how the individual looks in paper is how the individual has performed as a PM in their

Solicitation DE-RP30-09CC40020

Paducah Remediation

past project. We suggest that DOE request references that can attest to their performance in their 3 most relevant projects.

Answer: The RFP will remain as written.

23. Given the emphasis that DOE is giving to contractors having an EVMS system, we suggest that DOE includes, as an evaluation criteria, whether the prime Offeror has successfully managed a project with an approved EVMS system. This should be included in both Section L and Section M as an evaluation criteria in the experience section.

Answer: The RFP requirements will remain as written. If an Offeror believes that successfully managing a project with an approved EVMS system is an important aspect of their relevant corporate experience for the project support scope, then that information can be provided in the proposal.

24. Section M.4.1 states that DOE will evaluate the "...Project Manager, the Environmental, Safety and Health Manager, the Regulatory Compliance manager, and any other key personnel as designated by the Offeror. DOE will evaluate the designation of key personnel relative to the approach to the management and execution of project work proposed by the Offeror." Does this mean DOE is evaluating the approach Offerors utilize to identify positions that could be key? Or does this mean DOE will evaluate additional proposed key personnel qualifications only for the position for which they are proposed?

Answer: DOE will evaluate the designation of the additional positions, if any, beyond the key personnel positions provided in the RFP. DOE will evaluate the explanation of the designation of key positions relative to the approach to the project work as proposed by the Offeror under the technical approach factor. DOE will also evaluate the Offeror's explanation of the rationale for the selection of the personnel named to fill all key personnel positions. Additionally, DOE will use resume reviews and reference checks to evaluate the personnel proposed by the Offeror for all of the key positions, both those provided in the RFP and those designated by the Offeror, if any.

25. If the offeror considers a given PWS area critical to the performance, does it need to name the person responsible for that area as Key? Would DOE evaluate whether the bidder has included key personnel for every critical area? Is that what is meant with the statement "DOE will evaluate the designation of key personnel relative to the approach to the management and execution of project work proposed by the Offeror"

Answer: No, key personnel positions do not need to be designated for every area of the PWS that an Offeror may determine is critical or important. The explanation of the designation of additional key positions beyond those provided in the RFP, if any, should relate to the Offeror's approach to the work, but there

Solicitation DE-RP30-09CC40020

Paducah Remediation

would not have to be one for one matches for every critical area. The Offeror shall also describe its proposed management organization and the rationale for that structure to support the planned approach to execute the work so it might be possible that some positions in the organization would focus on critical areas that might not be determined by the Offeror to necessitate key position designation.

26. What is the definition of Key person that DOE is utilizing to evaluate this proposal? Is it an individual that is critical to the performance of the PWS?

Answer: The definition of Key Personnel is provided in Section H, Clause H.6. As stated in Clause H.6, Key Personnel are considered to be essential to the work being performed.

27. Does the Non-Union Incumbent Personnel Fringe Benefit Rate provided by DOE reflect the fringe rate for all PRS non-union incumbents, or only for Work-Force Transition incumbents?

Answer: The fringe benefit rate provided is for all non-union incumbent employees. The provided fringe rate takes into consideration the potential that some of the non-union incumbent employees have market based rates associated with them.

28. In the RFP section L.5(f)(4)(B), DOE has provided costs for non-discriminating activities. Should these costs be spread across the period performance evenly (for example 20% per year), or should they be spread in proportion to the funding profile included in the RFP, or should they be spread in proportion to the Offeror's proposed costs for the discriminating activities?

Answer: The SEB has allocated the non-discriminating costs by fiscal year within the Attachment L-7 "Summary of Cost Worksheets".

29. There appear to be different definitions of major subcontractor and subcontractor in terms of what is required to be submitted. In Section L.2, item (b) the term "major subcontractor" is defined as proposed subcontractors with a proposed subcontract annual cost equal to \$10 Million or more at any tier of the proposed organization. In Section L.3 (a) (5), the definition is for any first tier subcontractor with a subcontract of \$10 million or more is required ...; and In Section L.5 (4) A (vii) the term subcontractors is defined as "... or subcontractors (\$5 Million or more) to the detail ... Please clarify the definition of major subcontractor with regards to the requirements of the submittal.

Answer: The term and definition of "major subcontractor" in Sections L.2 is not related to the term subcontractor \$5M or more in Section L.5. In Section L.5, the Offeror is to provide a detailed cost proposal for any subcontract that equals or exceeds \$5M in total. In Section L.2 the term "major subcontractor" used defines a major subcontractor as a subcontractor having \$10M or more in work and

Solicitation DE-RP30-09CC40020
Paducah Remediation

requires the Offeror to provide additional information in Volume I and Volume II of its proposal based on this definition. L.3 (a) (5) defines the requirements for an EEOC evaluation in accordance with FAR 52.222.24.

30. May we use Arial Narrow 12 pt for the body text and Arial Narrow 10 pt for graphics and tables?

Answer: No, use the font types and sizes as specified in the RFP.

31. L.1(f)(4) (page L-5) states that DOE intends to conduct “discussions” with offerors in the competitive range. Does DOE intend these discussions to include interviews with proposed Key Personnel? Can DOE please provide some additional guidance on the anticipated format for discussions and what might be required of offerors who are selected for discussions?

Answer: DOE intends to conduct discussions in accordance with FAR 15.306(d), and does not intend to include interviews with proposed Key Personnel. An Offeror who is determined to be within the competitive range based upon evaluation of initial proposals will be included in discussions and will be allowed to revise its proposal. Offeror’s initial proposals should contain the Offeror’s best terms from both a technical and cost standpoint as the Contracting Officer may limit the number of proposals in the competitive range to the number that will permit an efficient competition.

32. L.4(d)(4) (page L-16) states that offerors must require that clients return Past Performance Questionnaires (Attachment L-5) to DOE no later than 5 weeks after issuance of the solicitation.” Would DOE please consider rescheduling this requirement to the date of proposal submission to allow offerors and clients additional time to fulfill this requirement? Does DOE truly need to receive the PPQs 3 weeks prior to receipt of proposals?

Answer: DOE evaluated the requirements in Section L.4.(d).(4) for the return of Past Performance Questionnaires and the requirements remain as stated in the RFP. DOE does need time prior to receipt of proposals to verify that all questionnaires have been properly filled out and submitted.

33. L.5 (f) (3) (page L-18) requires submission of a resource loaded schedule. Should this resource loaded schedule include the resources required for non-discriminating activities for which DOE provided costs in L.5(f)(4)(B) (page L-23)?

Answer: See response to question 5.

34. L.28 and L.29 (page L-26) and the IIPS web site for this procurement specify that the site visit and pre-proposal conference will be held in Paducah on Friday, February 6. Considering the State of Emergency declared by the Kentucky Governor and the unavailability of hotel rooms (due to the housing of power

Solicitation DE-RP30-09CC40020

Paducah Remediation

outage “refugees”), does DOE plan to reschedule the site visit and pre-proposal conference?

Answer: The site visit and pre-proposal conference have been postponed due to the recent ice storms, and will now be held on Friday, February 13, 2009.

35. DOE provided average labor rates for incumbent employees. The labor categories provided do not contain any Union positions. Are union categories going to be provided along with rates?

Answer: Labor categories and rates are contained in the Collective Bargaining Agreement that is posted as a reference document on the procurement web site.

36. Part IV, Section L.2 (b) of the RFP identifies “major subcontractors” as subcontractors with a proposed subcontract cost equal to \$10 Million or more. Section L.5 (f) (4)(A) (iii) identifies subcontractor costs above \$5 million. \$5 million is also identified in the L-7 excel spread sheets. Which is the correct definition of “major Subcontractors?”

Answer: The term major subcontractor is used in Section L.4 and pertains to requirements for submission of information in the Volume II Technical Proposal for the relevant experience and past performance of any subcontractor with a proposed subcontract annual cost equal to \$10 million or more. The requirements for submission of information in the Volume III Cost and Fee Proposal include requirements for proposed cost information to be individually estimated and provided for by major cost elements in cases where the proposed subcontract costs total \$5 million or more. In cases where proposed subcontract costs total less than \$5 million, then the proposed cost is to be included on the cost element line labeled “subcontract cost (under \$5 million)”.

37. How do we get access to the documents identified by an “OUO” tag?

Answer: Documents identified by an “OUO” tag can be accessed at www.fbo.gov at the link for DE-RP30-09CC40020. Documents are shown as secure packages under the All Files section, and interested companies will be required to register with FedBizOpps.gov for access.

38. Please provide a link to the May 2008 Remedial Investigation Report for BGOU (DOE/LX/07-00030&D1). No link is currently provided for the document.

Answer: This link to the May 2008 Remedial Investigation Report for BGOU (DOE/LX/07-00030&D1) is enabled and can be accessed at the Paducah Remediation web page (www.emcbc.doe.gov/paducahremediation) at the Reference Documents link, under Burial Grounds Operable Unit.